

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

12 CIV 2854

CHARLOTTE THOMAS,

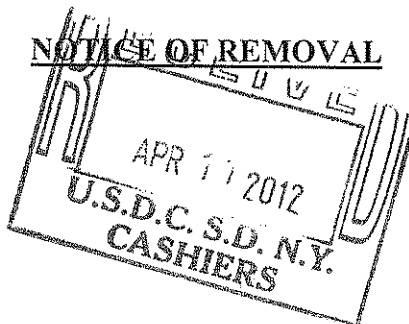
Plaintiff,

-against-

COACH USA TOUR INC. and TWIN AMERICA, LLC,

Defendants.

CIVIL ACTION NO.:



PLEASE TAKE NOTICE that Defendants COACH USA TOUR INC. and TWIN AMERICA, LLC hereby remove the civil action entitled *Charlotte Thomas v. Coach USA Tour Inc. and Twin America, LLC*, Index Number 150225/2012, from the Supreme Court of the State of New York, County of New York, where it is now pending to the United States District Court of the Southern District of New York pursuant to 28 U.S.C. §§ 1332 and 1441.

Dated: New York, New York
April 11, 2012

Respectfully submitted,

GALLO VITUCCI KLAR LLP

By:

HEATHER C. RAGONE, ESQ. (8757)
Counsel for Defendants
90 Broad Street, 3rd Floor
New York, New York 10004
(212) 683-7100
File No.: CHC-2012-7

TO: CRAIG CARSON, ESQ.
Attorneys for Plaintiff
95 Wyndshire Lane
Rochester, New York 14626

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHARLOTTE THOMAS,

Plaintiff,

-against-

COACH USA TOUR INC. and TWIN AMERICA, LLC,

Defendants.

CIVIL ACTION NO.:

**PETITION FOR
REMOVAL**

TO: JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

The Petition of Heather C. Ragone, Esq. respectfully shows as follows:

1. That the undersigned are counsel for Defendants Coach USA Tour Inc. and Twin America, LLC and hereby remove the civil action entitled *Charlotte Thomas v. Coach USA Tour Inc. and Twin America, LLC*, Index Number 150225/2012, which is currently pending in the Supreme Court of the State of New York, County of New York to the United States District Court of the Southern District of New York pursuant to 28 U.S.C. §§ 1332 and 1441.

2. That upon information and belief, service of the Summons and Complaint was made upon Defendant Twin America, LLC on or about April 4, 2012.

3. That the cause of action as set forth in the Complaint seeks monetary damages for personal injuries in an amount exceeding seventy five thousand dollars (\$75,000).

4. That in the Complaint, Plaintiff seeks to recover damages for the personal injuries she allegedly sustained as a result of the alleged negligence of the Defendants in their ownership, operation, management, and control of a certain sightseeing bus that was involved in an accident on July 14, 2009 at an unspecified location in the State and Country of New York, at which time and location Plaintiff was a passenger on said bus.

5. That Plaintiff is a natural person residing in the State of Arkansas, County of Pulaski.

6. That Defendant Twin America, LLC's principal place of business is located in New York, New York.

7. That Defendant "Coach USA Tour Inc." does not exist.

8. That this action may be removed to this Court by Defendant Twin America, LLC pursuant to 28 U.S.C. §§ 1332 and 1441 since Plaintiff's action is a civil action, wherein the amount in controversy exceeds the sum of \$75,000 exclusive of interest and costs, and there exists complete diversity of citizenship amongst the Defendants and Plaintiff.

9. Defendant Twin America, LLC attaches hereto copies of all process and pleadings thus far served herein; *to wit*, the Summons and Complaint.

WHEREFORE, Defendant Twin America, LLC prays that the action now pending against them in the Supreme Court of the State of New York, County of New York be removed therefrom to this Court.

Dated: New York, New York
April 11, 2012

Respectfully submitted,

GALLO VITUCCI KLAR LLP

By:


HEATHER C. RAGONE, ESQ. (8757)

Counsel for Defendants

90 Broad Street, 3rd Floor

New York, New York 10004

(212) 683-7100

File No.: CHC-2012-7

TO: CRAIG CARSON, ESQ.
Attorneys for Plaintiff
95 Wyndshire Lane
Rochester, New York 14626

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHARLOTTE THOMAS,

Plaintiff,

-against-

COACH USA TOUR INC. and TWIN AMERICA, LLC,

Defendants.

CIVIL ACTION NO.:

AFFIDAVIT

STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

HEATHER C. RAGONE, being duly sworn, deposes and says:

1. I am a member of the law firm of GALLO VITUCCI KLAR, L.L.P., attorneys for Defendants COACH USA TOUR INC. and TWIN AMERICA, LLC.

2. Defendants COACH USA TOUR INC. and TWIN AMERICA, LLC petition this Court for removal and leave will be sought to amend the caption in this action to read as follows:

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHARLOTTE THOMAS,

Plaintiff,

-against-

COACH USA TOUR INC. and TWIN AMERICA, LLC,

Defendants.

Sworn to before me this
11th day of April, 2012

Notary Public

Yvette Pagan
Commissioner of Deeds, City of New York
No. 1-6962
Cert. Filed in New York County
Comm Expires July 1, 2013


Heather C. Ragone (8757)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHARLOTTE THOMAS,

Plaintiff,

-against-

COACH USA TOUR INC. and TWIN AMERICA, LLC,

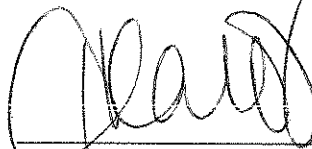
Defendants.

CIVIL ACTION NO.:

VERIFICATION

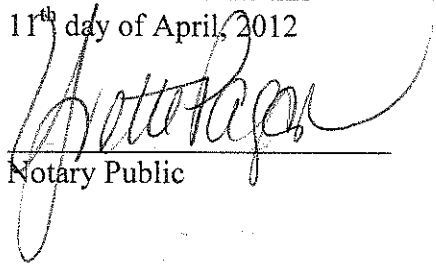
HEATHER C. RAGONE, being duly sworn according to law, deposes and says:

That she is counsel for Defendants COACH USA TOUR INC. and TWIN AMERICA, LLC, the within named Defendants/Petitioners; that she has read the foregoing Petition for Removal; and that the statements contained therein are true in substance and to my knowledge.



HEATHER C. RAGONE (8757)

Sworn to before me this
11th day of April, 2012



Notary Public

Yvette Pagan
Commissioner of Deeds, City of New York
No. 1-6962
Cert. Filed in New York County
Comm Expires July 1, 2013

IN THE SUPREME COURT OF NEW YORK

CHARLOTTE THOMAS,
PLAINTIFF

VS

COACH USA TOUR INC. and
TWIN AMERICA, LLC.,
DEFENDANTS

Index No 150225/2012

SUMMONS

Plaintiff's residence address:
Pulaski County, Arkansas

The Basis for venue designated is the
location of the tort.

To the above named defendant: TWIN AMERICA, LLC, 49 WEST 45TH STREET-5TH FLOOR,
NEW YORK, NY, 10036

YOU ARE HEREBY SUMMONED to appear in the Supreme Court of New York, County of
New York, at the office of the Clerk of the said Court at _____ in the County of New
York, within the time provided by law as noted below and to file your answer to the endorsed
summons and annexed complaint with the Clerk; upon your failure to answer, judgment will be
taken against you with interest thereon from the ____ day of ____, 20 ____, together with the
costs of this action.

Dated, the __ day of February, 2012.

Clerk

Or

Craig Carson
NY Bar No. 4834891
Attorney at Law
95 Wyndshire Lane
Rochester, NY 14626

THE SUPREME COURT OF NEW YORK
County of New York

CHARLOTTE THOMAS,
PLAINTIFF

vs

COACH USA TOUR INC. and
TWIN AMERICA, LLC.,
DEFENDANTS

Complaint

Index No 150 225/2017

Name of Assigned

Judge _____

COMPLAINT

1. Plaintiff at all times pertinent to this cause of action was a resident and citizen of Pulaski County, Arkansas.

2. Plaintiff's injuries are in excess of \$25,000. The amount of damages sought in this action exceeds the jurisdictional limits of all lower courts that would otherwise have jurisdiction.

3. Defendant Coach USA Tour Inc., is the holding company for various American transportation service providers including Defendant Twin America, LLC.

4. At all relevant times, Defendants owned, maintained and operated tour buses engaged in the transportation of passengers for hire over various streets and avenues in the City of New York, New York.

5. On July 14, 2009, while plaintiff was a passenger for hire on one of Defendants' sightseeing buses in New York City, without any warning, the bus came to a sudden, abrupt and violent stop, causing plaintiff to sustain the serious injuries described, *infra*.

6. Defendants' agent's operation of the tour bus in a negligent manner caused him to suddenly slam the bus' brakes so as to throw passengers from their seats in a violent manner. The

driver's actions directly and proximately caused many of the passengers, including Plaintiff, to be suddenly jerked around and upon each other and to collide with various interior parts of the tour bus. Due to the force occasioned by Defendants' driver's careless and negligent actions, Plaintiff was unable to avoid or prevent herself from being thrown full force into the metal passenger seat in front of her and or to avoid being struck by the metal bar on its back. As a consequence of that action and its force Plaintiff sustained injury to her back, breasts and rib cage.

7. Defendants' negligence consisted of the following: (a) operating the bus in a careless manner; (b) failing to keep a proper lookout; (c) failing to have the bus under proper and reasonable control; (d) failing to see to it that bus passengers were not thrown in and around the bus; (e) failing properly to apply the brakes; (f) operating the bus at a higher rate of speed than care and caution would permit under the circumstances and conditions existing at the time; (g) causing the bus to come to an abrupt and short stop; (h) failing to provide a safe haven for passengers in the bus; (i) failing to maintain the bus in proper repair; (j) failing to take proper care in the operation, maintenance and control of the bus; (k) failing to observe plaintiff and to give her proper warning of the impending stop; (l) permitting the bus to become overcrowded; and (m) being otherwise negligent.

8. As a result of the accident, Plaintiff twisted her lower back and other parts of her body causing her to suffer permanent injuries which include but are not limited to damage to the mid and lower lung zones and to her ribs. Plaintiff's injuries caused her great pain, suffering and mental anguish which persist. The injuries have also caused Plaintiff to incur substantial medical expenses.

9. The subject accident and plaintiff's resulting injuries were proximately caused by the negligence of Defendants, its agents, servants, and/or employees, in the operation of the bus tour on which Plaintiff was a paying passenger.

10. Plaintiff has sustained bodily injury, incurred substantial medical expense, and lost substantial income as a direct and proximate result of Defendants' afore described negligent conduct. She is entitled to compensatory damages from Defendants for such injuries in an amount which exceeds \$100,000.

WHEREFORE, Plaintiff prays that this matter be set for trial before a jury and that after such trial she be awarded damages for physical injury, pain and suffering, mental anguish, reimbursement of medical expenses (past, present and future), and reimbursement for loss of income.

Plaintiff further prays that she be awarded her costs, and for such other relief to which she may be entitled as provided by law.

Respectfully Submitted,



Craig Carson
NY Bar No. 4834891
Attorney at Law
95 Wyndshire Lane
Rochester, NY 14626

Dated: February 7, 2012

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHARLOTTE THOMAS,

Plaintiff,

-against-

COACH USA TOUR INC. and TWIN AMERICA, LLC,

Defendants.

NOTICE OF REMOVAL AND PETITION FOR REMOVAL

GALLO VITUCCI KLAR LLP

Attorneys for Defendant(s)

90 Broad Street, 3rd Floor

New York, New York 10004

(212) 683-7100

Fax (212) 683-5555

PLEASE TAKE NOTICE:

☐ NOTICE OF ENTRY

that the within is a (*certified*) true copy of a
duly entered in the office of the clerk of the within named court on

20

☐ NOTICE OF SETTLEMENT

that an order of which the within is a true copy will be presented
for
settlement to the HON. one of the judges
of the within named court, at
on 20 at M..

Dated:

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHARLOTTE THOMAS,

Plaintiff,

-against-

COACH USA TOUR INC. and TWIN AMERICA, LLC,

Defendants.

CIVIL ACTION NO.:
12 CIV 2856

**CORRECTED
RULE 7.1 STATEMENT**

Twin America LLC is a privately owned corporation.

Coach USA Tour Inc. does not exist.

Dated: New York, New York
April 11, 2012

By:

GALLO VITUCCI KLAR LLP



HEATHER C. RAGONE, ESQ. (8757)

Counsel for Defendants

90 Broad Street, 3rd Floor

New York, New York 10004

(212) 683-7100

File No.: CHC-2012-7

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHARLOTTE THOMAS,

Plaintiff,

-against-

COACH USA TOUR INC. and TWIN AMERICA, LLC,

Defendants.

CORRECTED RULE 7.1 STATEMENT

GALLO VITUCCI KLAR LLP
Attorneys for Defendant(s)
90 Broad Street, 3rd Floor
New York, New York 10004
(212) 683-7100
Fax (212) 683-5555

PLEASE TAKE NOTICE:

[] NOTICE OF ENTRY

that the within is a (*certified*) true copy of a
duly entered in the office of the clerk of the within named court on

20

[] NOTICE OF SETTLEMENT

that an order of which the within is a true copy will be presented
for
settlement to the HON. one of the judges
of the within named court, at
on 20 at M..

Dated:

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

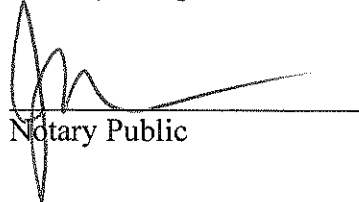
The undersigned being duly sworn, deposes and says that she is not a party to this action, is over the age of 18 years and resides in the County of New York. That on the 13th day of April, 2012, she served the within **NOTICE OF REMOVAL, PETITION OF REMOVAL AND CORRECTED RULE 7.1 STATEMENT** upon:

CRAIG CARSON, ESQ.
Attorneys for Plaintiff
95 Wyndshire Lane
Rochester, New York 14626

by depositing a true copy of same securely enclosed in a post paid wrapper in an official depository under the exclusive care and custody of the United States Post Office Department within the State of New York.


Yvette Pagan

Sworn to before me this
13th day of April, 2012



Notary Public

Jessica Roman
Commissioner of Deeds, City of New York
No. 3-7376 Filed NY County Exp 6/1/12